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DEC 20 2004

Atty Docket No. 015280 371100US

PTO FAX NO.: 703-872-9306

ATTENTION: Examiner Gebreyesus

Group A Unit 1652

**OFFICIAL COMMUNICATION  
FOR THE PERSONAL ATTENTION OF  
EXAMINER Gebreyesus**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

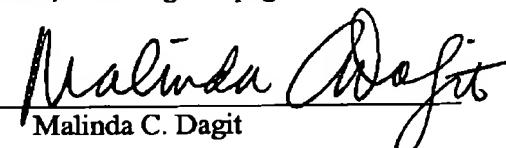
I hereby certify that the following documents in re Application of RYBAK and NEWTON, Application No. 09/807,556, filed July 30, 2001 for SELECTIVE TOXICITY OF AMINO-TERMINAL MODIFIED RNASE A SUPERFAMILY POLYPEPTIDES are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Response to Restriction Requirement
2. Fee Transmittal PTO/SB/17 for 3-month extension @\$1020 (in duplicate)

Number of pages being transmitted, including this page: 5

Dated: December 20, 2004

  
Malinda C. Dagit

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RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300

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TO/SB/17 (10-04)

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1020

Complete If Known	
Application Number	09/807,556
Filing Date	July 30, 2001
First Named Inventor	Susanna, Rybak M.
Examiner Name	Not yet assigned
Art Unit	1633
Attorney Docket No.	015280-371100US

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None  
 Deposit Account:

Deposit Account Number 20-1430

Deposit Account Name Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 780	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$)	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	** =	X	
Multiple Dependent	** =	X	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 160	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$)

\*\* or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)					
3. ADDITIONAL FEES					
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	Surcharge - late filing fee or oath	
		1052	50	Surcharge - late provisional filing fee or cover sheet	
		1053	130	Non-English specification	
		1812	2,520	For filing a request for ex parte reexamination	
		1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	Requesting publication of SIR after Examiner action	
		1251	110	Extension for reply within first month	
		1252	430	Extension for reply within second month	
		1253	980	Extension for reply within third month	
		1254	1,530	Extension for reply within fourth month	1020
		1255	2,080	Extension for reply within fifth month	
		1401	340	Notice of Appeal	
		1402	340	Filing a brief in support of an appeal	
		1403	300	Request for oral hearing	
		1451	1,510	Petition to Institute a public use proceeding	
		1452	110	Petition to revive - unavoidable	
		1453	1,330	Petition to revive - intentional	
		1501	1,370	Utility issue fee (or reissue)	
		1502	490	Design issue fee	
		1503	880	Plant issue fee	
		1460	130	Petitions to the Commissioner	
		1807	50	Processing fee under 7 CFR 1.17(q)	
		1808	180	Submission of Information Disclosure Stmt	
		8021	40	Recording each patent assignment per property (times number of properties)	
		1809	780	Filing a submission after final rejection (37 CFR § 1.128(a))	
		1810	780	For each additional invention to be examined (37 CFR § 1.128(b))	
		1801	790	Request for Continued Examination (RCE)	
		1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3)		(\$)1020

## SUBMITTED BY

Name (Print/Type)	Jean M. Lockyer, Ph.D.	Registration No. (Attorney/Agent)	44,879	Telephone	415-576-0200	Complete (if applicable)
Signature				Date	December 20, 2004	

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PTO/SB/17 (10-04)

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Art Unit	1633
Attorney Docket No.	015280-371100US

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- Charge any additional fee(s) or any underpayment of fee(s)
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SUBTOTAL (1) (\$)

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Multiple Dependent	X		

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Relocate independent claims over original patent
1205 18	2205 9	** Relocate claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	1020
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1602 490	2502 245	Design issue fee	
1603 680	2503 330	Plant issue fee	
1460 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (time and/or properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR § 1.120(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$1020)

## SUBMITTED BY

Name (Print/Type)	Jean M. Lockyer, Ph.D.	Registration No. (Attorney/Agent)	44,879	Telephone	415-76-0200
Signature				Date	December 20, 2004

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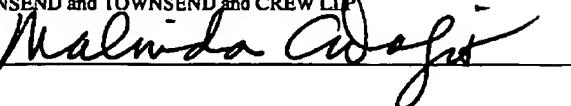
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DEC 20 2004

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TOWNSEND and TOWNSEND and CREW LLP

By:

PATENTAttorney Docket No.: 015280 371100US  
Client Ref. No.: 5-230-98/0

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RYBAK and NEWTON

Application No.: 09/807,556

Filed: July 30, 2001

For: SELECTIVE TOXICITY OF  
AMINO-TERMINAL MODIFIED  
RNASE A SUPERFAMILY  
POLYPEPTIDES

Confirmation No. 9130

Examiner: Kagnew H. Gebreyesus

Technology Center/Art Unit: 1652

RESPONSE TO RESTRICTION  
REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed August 20, 2004, please enter the following remarks. Enclosed herewith is a fee authorization to extend the time for response for three months.

In response to the restriction requirement, Applicants elect Group I, claims 1-14, drawn to an RNase A superfamily polypeptide selectively toxic to proliferating endothelial cells.

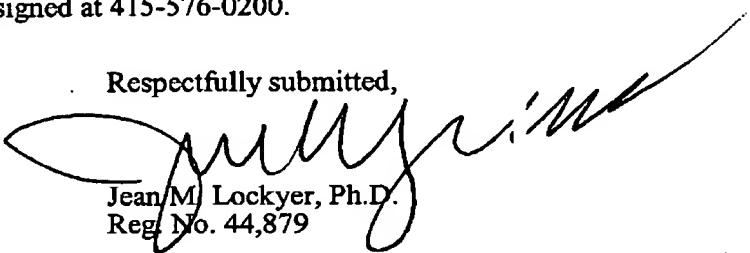
Appl. No. 09/807,556  
Amdt. dated December 20, 2004  
Reply to Office Action of August 20, 2004

PATENT

The foregoing election is made with traverse, as the four groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups I-IV would not place a substantially greater burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Jean M. Lockyer, Ph.D.  
Reg. No. 44,879

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Attachments  
JML:jml  
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